

## **REMARKS/ARGUMENTS**

Reconsideration of this application, as amended, is respectfully requested.

### **I. Status of the Claims**

Claims 1-5 have been previously cancelled.

Claims 6, 9 and 10 have been amended.

Claims 6-10 are pending.

The amendments to claims 6, 9, and 10 do not add new matter. These claims have been amended to more particularly identify the claimed subject matter.

### **III. Rejections Under 35 U.S.C. §103**

Claims 6, 8, and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,123,577 issued to Port et al. (hereinafter "Port") in view of U.S. Patent No. 4,658,739 ("the '739 patent") and U.S. Patent No. 4,841,886 ("the '886 patent") both issued to Watkins.

Applicants respectfully submit that Port does not teach or suggest, alone or in combination with either the '886 or the '739 patents, all of the elements of claims 6 through 10. The Examiner characterizes Port as disclosing "an improved *primary backing* for tufted carpets comprising a fabric to which a web of blended fibers is heat fused (abstract). In one embodiment, the fabric is a woven fabric of multifilament yarns (col. 4, lines 60-65). When employed in fine gauge tuft carpets, said *multifilament primary backing* has a layer of thermoplastic fibers heat fused thereto (col. 4, line 65-col5, line 2)." (Emphasis added). Office Action dated August 25, 2004, page 3.

Applicants respectfully disagree with the Examiner's characterization of Port. The section of Port cited by the Examiner states that:

In the case of fine gauge tufted carpets, said woven *substrates* preferably employ multifilament yarn having single filaments between about 2 and about 20 dtex with round or multilobal cross-section. The multifilament yarn preferably has a producer's twist of about 10 to 20 turns per meter. It has been found that the fine gauge tuftability can in general be improved by heat fusing a layer of fibers to said *substrate*, and a particularly useful *primary backing* for fine gauge tufted carpets can be made by means of this invention.

Port at col. 4, line 60- col. 5, line 2. (Emphasis added).

Thus, the Examiner, by characterizing both terms as "multifilament primary backings", essentially treats the terms "primary backing" and "substrate" as synonyms. Applicants disagree with this definition. The term "primary backing" refers to the "substrate" after it has been coated with a heat fused web. Port at col. 4, line 3-7. Thus, "primary backing" and "substrate" are two different elements.

Claims 6, 9, and 10 of the present invention each recite the element that the binding resin be "applied to each of said filaments of said wefts." This element is not disclosed by Port. The Examiner states that Port discloses a "multifilament primary backing [that] has a layer of thermoplastic fibers heat fused thereto," however, even if this is true, Port does not teach the claim element above. Specifically, Port does not teach the integration of the thermoplastic fibers among the multifilament yarn in order to fix all of the filaments to *each other*, nor does Port teach to lay the thermoplastic fibers between filaments in order to fix the filaments with one another. Rather, in Port, the "web" is formed onto the substrate, and is bonded to the substrate by applying heat and pressure.

Port at col.4, line 6-28. Therefore, in Port, the primary backing is formed by essentially laminating the substrate with the web. This construction does not teach one of ordinary skill in the art the above element of the claims.

Further, Port does not teach or suggest applying thermoplastic fibers only to the filaments of the wefts of the substrate while not applying them to the warps of the substrate. Therefore, a person of ordinary skill in the art applying the teaching of Port would not accomplish an objective of the current invention to allow a weft to be easily separated from a warp during the tufting process, and thereby prevent fine gauged needles from being damaged during the tufting process. In contrast, Applicants submit that a significant force would be required to pierce between the wefts and warps because the substrate would be bonded by a web.

Therefore, if the teachings of Port were applied to fine gauge tufted carpets, one of ordinary skill in the art would know that the result would be that needles would be damaged more frequently.

Thus, Port, alone or in combination with either the '886 or '739 patent, does not teach or suggest all of the elements of claims 6-10. Therefore, Applicants respectfully request the Examiner withdraw the above rejection.

## CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

**REMARKS**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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Attachments